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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application	of: Stewart et al.)	
Application No.:	10/079,136)	Art Unit: 1633
Filed:	February 20, 2002)	Examiner:
For:	Methods and Composition for Therapeutic Intervention in)	
	Infectious Disease		
Commissioner of	f Patents		Docket No:
Washington, D.	C. 20231		19626-0211 (45454/270653)

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION AND PETITION FOR EXTENSION OF TIME

Assistant Commissioner for Patents Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed on April 8, 2002 enclosed are the following documents (1) the declaration executed by the inventors; (2) a check for \$65.00 to cover the surcharge for late filing of the declaration; (3) a check for \$412.00 to complete the basic filing fee for a small entity and for an additional independent claim; a petition for a one month extension of time; and (4) a check for \$55.00 for the extension fee. A copy of the Notice to File Missing Parts of Nonprovisional Application is also enclosed.

CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, DC 20231, on <u>June 27, 2002</u>.

Aleta A. Mills – Reg No. 47,794

U.S. Serial No. 10/079,136 Filed: February 20, 2002

Page 2 of 2

Pursuant to 37 C.F.R. 1.136(a), Applicants petition the Commissioner for Patents for a one-month extension of time, through and including July 8, 2002, to respond to the Notice to File Missing Parts of Nonprovisional Application mailed on April 8, 2002. Enclosed is a check in the amount of \$55.00, the fee pursuant to 37 C.F.R. 1.17. The Commissioner is authorized to change any additional fee relating to this filing to Deposit Account No. 11-0855.

The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Order Account No. 11-0855.

Respectfully submitted,

alita a. Mills

Aleta A. Mills

Reg. No. 47,794

Date: June 27, 2002

KILPATRICK STOCKTON LLP 1100 Peachtree Street Suite 2800 Atlanta, Georgia 30309 (404) 815-6500

COPY OF PAPERS ORIGINALLY FILED PTO/SB/21 (08-00) Approved for use through 10/31/2002. OMB 0651-0031 Please type a plus sign (+) inside this box -> + U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE ne Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. 10,079/136 Application Number TRANSMITTAL February 20, 2002 Filing Date **FORM First Named Inventor** Stewart, et al. (to be used for all correspondence after initial filing) 1633 **Group Art Unit Examiner Name** Total Number of Pages in This Submission 8 **Attorney Docket Number** 19626-0211(45454-270653) ENCLOSURES (check all that apply) After Allowance Communication to Assignment Papers Fee Transmittal Form Group (for an Application) Appeal Communication to Board of Fee Attached Drawing(s) Appeals and Interferences Appeal Communication to Group Licensing-related Papers Amendment / Response (Appeal Notice, Brief, Reply Brief) Petition After Final Proprietary Information Petition to Convert to a Affidavits/declaration(s) Status Letter **Provisional Application** Power of Attorney, Revocation Other Enclosure(s) Extension of Time Request Change of Correspondence Address (please identify below): **Declaration and Power of** Terminal Disclaimer Attorney Express Abandonment Request Request for Refund Information Disclosure Statement CD, Number of CD(s) Certified Copy of Priority Remarks Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Aleta A. Mills, Reg. No. 47,794 Individual name alita O. mills Signature

CERTIFICATE OF MAILING

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Typed or printed name

Aleta A. Mills, Reg. No. 47,794

Signature

Date

June 27, 2002

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ON THE U.S. Patent and Tradema; Office: U.S. DEPARTMENT OF COMM ons of Weddired to respond to a collection of information it displays a valid OMB control nu	mbe

	Complete if Known				
FEE TRANSMITTAL	Application Number	10/079,136			
for FY 2002	Filing Date	February 20, 2002			
- 701 0 8 5005 A	First Named Inventor	Stewart, et al			
Patent fees are subject to annual revision.	Examiner Name				
THE THE DEMONSTRATE OF THE PARTY OF THE PART	Group / Art Unit	1633			
TOTAL AMOUNT OF PAYMENT (\$) 532.00	Attorney Docket No.	45454/270653			

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METHOD OF PAYMENT (check one)					FEE CALCULATION (continued)									
The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:					3. ADDITIONAL FEES			0						
1. —		indi	cated tees	and credit	any	over paym	ents to:		Large Entity		Small Entity			
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Acco Num		114	0855						105	130	205	65	Surcharge - late filing fee or oath	65.00
		_							127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
Depo Acco		Kilp	atrick Sto	kton LLP					139	130	139	130	Non-English specification	
Nam	e	L.						ل	147	2,520	147	2,520	For filing a request for reexamination	
			ional Fee 16 and 1.1						112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
	See 37 C	FR 1.2		y status.					113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
2. 🔯	Payme	nt Encl	osed:						115	110	215	55	Extension for reply within first month	55.00
⊠	Checks		Credit car		Mone Order		Other		116	400	216	200	Extension for reply within second month	
			EEE C	ALCULATI	_		-		117	920	217	460	Extension for reply within third month	
1. 6	BASIC FI	LING F		ALCULATI					118	1,440	218	720	Extension for reply within fourth month	
Large	Entity	Small	Entity						128	1,960	228	980	Extension for reply within fifth month	
Fee		Fee	Fee	Fee Descr	iptic	n			119	320	219	160	Notice of Appeal	
Code		Code	(\$)				Fee Paid		120	320	220	160	Filing a brief in support of an appeal	
101		201	370	Utility filing		_	370.00	_	121	280	221	140	Request for oral hearing	
106 107		206 207	165 255	Design filing fee Plant filing fee				138	1,510	138	1,510	Petition to institute a public use proceeding		
108	740	208	370	Reissue filing fee				140	110	240	55	Petition to revive - unavoidable		
114	160	214	80	Provisional filling fee					141	1,280	241	640	Petition to revive – unintentional	
			HIDTOTA				070.00		142	1,280	242	640	Utility issue fee (or reissue)	
			SUBTOTA	L (1)			370.00		143	460	243	230	Design issue fee	
2. EXT	RA CLAII	M FEE	S						144	620	244	310	Plant issue fee	
				Euden		Faa 60000	500		122	130	122	130	Petitions to the Commissioner	
				Extra Claims		Fee from below	Fee Paid		123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
Total Clain	=	= -	20 ** =	11	X		=	\exists	126	180	126	180	Submission of Information Disclosure Stmt	
Independer Claims Multiple	4		3** =	1	X	42	= 42	4	581	40	581	40	Recording each patent assignment per property (times number of properties)	
Dependent					X		= 0		146	740	246	370	Filing a submission after final rejection	
Large	•	Smal		у					149	740	249	370	(37 CFR § 1.129(a)) For each additional invention to be	\vdash
Fee Code	Fee (\$)	Fee Code	****	Fee Des					143	740	249	370	examined (37 CFR § 1.129(b))	
103	18	203	9			cess of 20			179	740	279	370	Request for Continued Examination (RCE)	
102	84	202	42	Independent claims in excess of 3			169	900	169	900	Request for expedited examination	 		
104	280 84	204	140 42	Multiple dependent claim, if not paid ** Reissue independent claims over								of a design application		
,,,,	-		76	original	•		cf 22	and						
110	18	210	9	over ori		laims in ex patent	cess of 20	ana	Other fee (specify)					
SUBTOTAL (2) (\$)42.00					*Reduc	ed by Ba	sic Filinç) Fee Pa	id SUBTOTAL (3) (\$) 120	.00				
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SUBMITTED BY		Complete (if applicable)				
Name (Print/Type)	Aleta A. Mills	Registration No. Attorney/Agent)	47,794	Telephone	404.815.6409	
Signature	alita	a. mills		Date	6-27-02	

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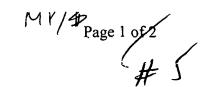
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APPLICATION NUMBER FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/079,136

02/20/2002

Graham Stewart

19626-0211 (45454-270653)

CONFIRMATION NO. 7018

23370
JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

FORMALITIES LETTER
OC000000007810573

Date Mailed: 04/08/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
 Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$42.
 - **\$42** for 1 independent claims over 3.
- The oath or declaration is missing.

 A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(I) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 477.

370.00 GP 42.00 GP 65.00 GP • This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase Patentin Software, call (703) 306-2600
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A copy of this notice MUST be returned with the reply.

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PART 2 - COPY TO BE RETURNED WITH RESPONSE